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House Armed Services Subcommittee on Readiness Holds Hearing on Air Sovereignty Alert Operations

LIST OF PANEL MEMBERS AND WITNESSES

ORTIZ:

Good morning, and welcome to today's hearing on air sovereignty alert operations.

You know, during the Cold War we had planes standing alert to protect us from potential air threats from the former Soviet Union. The Cold War ended. We felt safe, and we no longer really needed an ASA mission.

Our comfortable security suddenly changed on September 11, 2001.

Following that tragic day, the Department of Defense initiated Operation Noble Eagle. Now, protection of our air space from internal threats is our number one defense priority.

The department issued several policy memos and gave the responsibility for carrying out the new ASA mission to the North American Aerospace Defense Command, or NORAD.

Although neither DOD nor NORAD ever specified which service should support the ASA mission, the Air Force currently provides 100 percent of the fighter aircraft. The mission is conducted at 18 ASA sites across the United States with Air National Guard operating out of 16 of those sites.

The planes and crews involved in the ASA mission have been tested several times, most recently when a plane was stolen in Canada and flown across the border into the United States. The plane was intercepted, and finally landed on a Missouri, or "Missouruh" -- I have to follow Chairman Skelton's pronunciation -- highway. The pilot was caught after he tried to flee the scene.

All this should make us feel somewhat secure, knowing that our space is well protected. So, why are we here this morning? We are here because appearances are not always reality.

This is a high priority mission for which the Air Guard has volunteered. But the funding, which comes from active duty Air Force accounts, historically has not been allocated on a timely basis. This raises serious challenges for the Guard related to hiring personnel and providing the necessary training to ensure the readiness of the crews supporting this mission.

Last year, because of our concern that this mission was being ignored by the active duty Air Force, the committee proposed language to address the funding and personnel situation. Section 354 of the fiscal year 2009, the Duncan Hunter National Defense

Authorization Act, required the secretary of defense to provide in the Air Force budget justification, documents and information on funding requirements for the mission and associated command and control elements, including military personnel costs and flying hours.

I would be interested to hear from our Air Force witness, General Darnell, this morning, how the Air Force is complying with that mandate.

I recognize that, because the full budget has not been sent up here yet, we will not be able to discuss specifics on funding and aircraft availability. We will have those details for a later posture hearing. But I do expect to hear that the Air Force is on track to comply with that statutory language.

And I'm sure that General Wyatt, director of the Air Guard, will have a few things to say about this, too.

With that (ph) congressional action, we believe we have fixed all the problems associated with the ASA mission. We soon found out we had only scratched the surface. Congress has asked GAO to do a review of the ASA mission. Their report we received (ph) in January was very troubling.

I will let the GAO speak for itself and tell us in detail what they found. But I would like to highlight a few findings that bothered me the most.

Mission documents, the statement, do not include the ASA responsibility for the Air Guard. Since this is ignored in the mission statements, the readiness of the units for the ASA mission is not adequately considered.

NORAD does not conduct routine operational risk assessments, so we don't have a good idea of what is really needed in terms of personnel, aircraft and types of units to perform the mission.

The Air Force has not implemented ASA operations as a steady- state mission, because they felt it would not be a lasting mission.

I am also concerned that the department's responses to the GAO findings and recommendations were noncommittal. It is my understanding that NORAD and the Air Force provided comments to the department on actions they intended to take, but that those comments were not included in the DOD response. That might explain why the DOD response was unsatisfactory.

According to DOD policy, the ASA mission is our number one priority. Perhaps our DOD witness, Mr. Verga, can provide us a better explanation than what the department gave to GAO on how the DOD intends to maintain ASA as DOD's number one priority mission.

Now, I would like to turn to my good friend from the Commonwealth of Virginia, Randy Forbes, for an opening statement.

Mr. Forbes?

FORBES:

Well, thank you, Mr. Chairman. And I just want to say that I share your concerns regarding this issue. And I'd like to thank all of our witnesses for being here today and for sharing your expertise with us, and for your service to our country.

As the chairman mentioned, we learned a lot of lessons on September 11, 2001. We learned that a small group of non-state actors could take thousands of American lives by attacking us from the skies above our homeland. And they took a routine commercial flight operation and turned it into an extremely effective weapon.

According to the FAA, there were nearly 680 million passengers on domestic flights last year, and another 154 million flying between the U.S. and the rest of the world.

To put it in perspective, that's more than the total populations of the United States, Japan, Russia, Mexico, Canada and the United Kingdom combined. And this number does not include nearly 28 million hours flown by the fleet of more than 234,000 general aviation aircraft owned by private pilots and flight schools around the country.

And, Mr. Chairman, I raise this point, because I think it's important that we all understand the scope of the problem and the enormous security challenges that we face. Although the Department of Homeland Security, the Transportation Security Administration and their international counterparts have taken great strides to increase aviation security, it's imprudent to believe that their actions will completely mitigate the risk, should someone attempt to do us harm.

With over 830 million commercial passengers flying annually in and around the United States, the scope of the problem is too large and the consequences are too great.

You mentioned the incident last week involving the general aviation aircraft that was stolen from Canada and flown into U.S. airspace. And I certainly want to applaud all of those involved in the response and the resolution of that situation.

I also want to highlight that just this Monday, a Canadian passenger jet with 159 passengers and eight crewmembers on board was hijacked by a lone gunman who, according to initial press reports, somehow made it past security. Fortunately, the police were able to gain control of that situation while the plane was still on the ground.

FORBES:

Although neither of these events appear to be linked to any terrorist organization, they do highlight that current security measures are not impenetrable. Our skies and our citizens are still vulnerable to those wishing to do us harm.

With that said, I find the issues at the heart of today's hearing concerning. The findings in the GAO report and the lackluster response from the Department of Defense require our attention, and I'm thankful to you, Mr. Chairman, for holding this hearing. I'm hopeful that we've got the right set of witnesses here to address the issues, and I'd like to welcome, once again, each of them to the committee today.

Today's hearing focuses on the policy and resourcing shortcomings between OSD, the Air Force, and the Air National Guard, but I know, Mr. Chairman, that we both agree that NORAD and NORTHCOM also play a critical role in the execution of the air sovereignty alert mission. As we go through the course of the hearing today, we may find that we will

also need to have a direct discussion about the air sovereignty mission with them as well.

Several of our subcommittee members have worked hard in this area, and we recognize their contributions -- I thank Mr. LoBiondo for his work in this area -- and we look forward to their continuing efforts.

And, Mr. Chairman, I now look forward to hearing from our witnesses, and I yield back the balance of my time.

ORTIZ:

Thank you.

I would like to welcome our witnesses and thank you for taking the time to appear before this morning. Today, we have with us Ms. Davi M. D'Agostino, director, homeland defense and emerging threats and warfare, defense capabilities and management team, United States Government Accountability Office.

Thank you so much for joining us.

Mr. Peter F. Verga, deputy undersecretary of defense for policy integration and chief of staff, United States Department of Defense.

Thank you, Mr. Verga.

Lieutenant General Daniel J. Darnell, United States Air Force, deputy chief of staff for air space and information operations, plans and requirements.

Thank you, sir, for joining us.

And Lieutenant General Harry M. Wyatt, United States Force, director, United States Air National Guard.

I welcome you, Ms. D'Agostino. Whenever you're ready, you can begin your testimony.

Thank you.

D'AGOSTINO:

OK.

Mr. Chairman, Ranking Member Forbes, and members of the subcommittee, I'm pleased to be here before you this morning to discuss GAO's January 2009 report on Opportunities to Improve Management of North American Aerospace Defense Command, or NORAD, and Department of Defense's, or DOD, Air Sovereignty Alert Operations. We will be calling them ASA going forward.

NORAD and DOD have fueled an armed fighter aircraft and trained personnel on constant alert at 18 sites across the United States. Given the continued air threat, it is

crucial for this capability to function at a high level of readiness. As you noted, Mr. Chairman, currently, the Air Force provides NORAD with personnel and equipment for these operations, including F-16 and F-15 aircraft.

Air sovereignty alert units are tasked to conduct and train for both their overseas and homeland operations. ASA operations are ground operations that take place before the aircraft go airborne. These operations support multiple missions, including the Joint Staff's Operation Noble Eagle, in addition to NORAD's homeland defense contingency plans.

Today, I will address the following three questions: First, does NORAD routinely conduct risk assessments to determine its ASA operational requirements? Second, has the Air Force implemented ASA operations as a steady state mission in accordance with NORAD, DOD, and Air Force guidance? Third, has the Air Force developed a plan to address the potential aircraft shortfalls to sustain ASA operations for the future?

First, NORAD had performed three risk assessments in response to individual DOD leadership requests about ASA operations, but the last one was done in 2006. Such risk assessments, if done on a routine basis, could help NORAD determine the appropriate levels and types of resources for the mission, and particularly this is important in a resource-constrained environment.

Second, at the time of our review, the Air Force had not implemented ASA operations as a steady state mission. Because it is not treated as such, the Air Force programmed money for ASA operations in two-year increments. This has been the case even though DOD in December 2003 directed the Air Force to program money across the six- year future years' defense program submissions.

This incremental funding, the two years versus a six-year approach, apparently has created several challenges for the ASA units. Unit commanders we interviewed identified funding, personnel, and dual tasking of responsibilities as the top three factors affecting their ability to perform these operations. Seventeen of the 20 units that we talked to said that personnel issues were a moderate or great concern and that recruiting, retention, and promotion limitations were the primary issues due to the two-year funding approach. Some commanders even told us that they had lost some of their most experienced personnel due to job instability caused by the two-year funding approach.

Finally, a key consequence of not being a steady state mission was that the readiness of the units to conduct these operations is not being fully assessed. NORAD partially assessed readiness through individual inspections that they do about every 20 months, but the Air Force, which is the force provider, is not monitoring readiness for these operations on an ongoing basis. And what's fundamentally important, as you noted, Mr. Chairman, the -- this mission is not on the mission doc statements for the units, and, therefore, it's not being measured in the readiness system, or SORTS.

Finally, at the time of our review, the Air Force did not have a plan to manage potential aircraft shortfalls to sustain ASA operations for the future. We identified a potential shortfall in the number of available aircraft that could affect units performing ASA operations. Our analysis does have some assumptions based on information that DOD provided us and assumes the Air Force would provide F-35s to all the Air National Guard units doing ASA operations.

I would point out, though, we recently reported -- excuse me -- that the F-35 acquisition program may face schedule slippage risks because of this production schedule.

Until we see Air Force plans for managing this difficult situation with the competing demands for the new aircraft, it's unclear to us whether replacement aircraft will be available to mitigate the potential fighter shortfall for conducting ASA in the homeland.

I would like to just mention that we made several recommendations which you went through briefly, sir, and even though DOD agreed or partially agreed with our report's recommendations, we couldn't tell what actions they were going to take.

Mr. Chairman, members of the subcommittee, this concludes my prepared statement.

ORTIZ:

Thank you.

Mr. Verga?

VERGA:

Thank you, Mr. Chairman.

Chairman Ortiz, Congressman Forbes, distinguished members of the subcommittee, thank you for the opportunity to address you today on the Department of Defense protection of the air sovereignty of the United States.

As reflected in the national defense strategy, the core responsibility of the Department of Defense is to defend the United States from attack upon its territory at home and to secure its interests abroad. The U.S. armed forces protect the physical integrity of the country through an active layered defense. They also deter attacks upon it directly and indirectly through deployments at sea, in the air, on land, and in space.

Within the Department of Defense, our responsibility to defend the United States is assigned to the binational U.S.-Canada North American Aerospace Defense Command. NORAD provides aerospace warning, aerospace control, including air sovereignty, and maritime warning for all of North America. Consistent with the law, the secretary of defense assigns forces to the United States element of NORAD to perform its assigned mission and ensures that such assignments are consistent with the force structure prescribed by the president.

During the Cold War, NORAD focused its defense on the United States on air threats originating from nation states. Although the probability of a nation state air attack has greatly lessened, the secretary of defense has said, quote, "The United States still has to conduct with its -- with the security challenges posed by the military forces of other countries, from those actively hostile to those at strategic crossroads, and the United States military must be able to dissuade, deter, and, if necessary, respond to challenges across the spectrum, including the armed forces of other nations."

Since the attacks of September 11, 2001, when terrorists hijacked civilian airliners and used them as weapons against innocent civilians, NORAD's focus has expanded to include terrorist air threats originating from within as well as outside the United States. Terrorists remain the preeminent air threat to the United States. As observed by President Obama during his inaugural address, "Our nation is at war against a far-reaching network of

violence and hatred." NORAD's vigilance against potential attacks from within and from outside the United States is a critical distinction between our air defense posture pre-9/11 and post-9/11.

Collectively, the interagency of the government of the United States provides 20 layers of security to enhance the security in the aviation domain, and while no system is failsafe, collectively these security measures have created multiple barriers, thereby reducing the likelihood of a successful attack using the air domain.

Through Operation Noble Eagle, NORAD defends the United States by surveilling U.S. airspace and the nation's air approaches and by positioning air defense alert fighters throughout the country. These alert fighters, whose numbers may be adjusted to meet changing threat levels, are capable of reaching targets threatening our nation's major population centers and national critical infrastructure within minutes to dissuade, deter, and, if necessary, defeat air threats.

Supporting and complementing these alert fighters are Defense and Federal Aviation Administration surveillance radars, airborne early warning aircraft, and supporting tanker aircraft. In addition, in defense of the national capital region, the seat of our government, Operation Noble Eagle conducts air patrols, maintains a dedicated 24-hour, seven-day-a-week alert fighter response at Andrews Air Force Base, and operates a dedicated around-the-clock ground-based air defense missile system. In addition, the United States Coast Guard supports NORAD with alert helicopters to intercept low- and slow-flying aircraft, should they penetrate the national capital region air defense zone.

VERGA:

In 2005, DOD employed a unique visual warning system in the national capital region to supplement traditional radio communications to warn wayward pilots to contact FAA air traffic controllers immediately and to exit national capital region restricted airspace they may have violated.

Currently, to facilitate interagency cooperation, DOD maintains liaison officers and (ph) the TSA-hosted National Capital Region Coordination Center on a full-time basis, and provides key interagency operation centers and the National Capital Regional Coordination Center access to DOD's classified conferencing capability, which is used for DOD coordination and decision-making during the response to domestic air threats.

Operation Noble Eagle is a joint operation, managed under the Global Force Management Plan to provide timely, risk-balanced resourcing to NORAD requirements for capabilities and forces. DOD ensures that the Air Sovereignty Force furnishes capabilities consistent with U.S. national security objectives and a long-established risk managed system in conjunction with the Global Force Management Plan.

Although the Global Force Management Plan currently directs the U.S. Air Force to support Operation Noble Eagle mission, the majority of which is currently provided by the Air National Guard, the department may draw upon capabilities of active duty Air Force or any other DOD component to fulfill the Operation Noble Eagle air sovereignty mission with U.S. Navy E-3 Hawkeye airborne early warning aircraft or U.S. Marine Corps FAA teams.

DOD will also continue to refine its risk management approach to ensure that military capabilities and resources are available to carry out its core responsibility to defend the United States.

As stated in the National Defense Strategy, the challenges before us will require resourcefulness and an integrated approach that wisely balances risks and assets, and that recognizes where we must improve.

Again, thank you for the opportunity to appear before you today. We appreciate your leadership, Mr. Chairman, and members of the subcommittee, and your continued support for the Department of Defense. And I look forward to your questions.

ORTIZ:

Thank you, sir.

General Darnell?

DARNELL:

Good morning, Chairman Ortiz, Ranking Member Forbes and distinguished members of the committee. Thank you for calling hearing and for the opportunity to discuss Air Force Air Sovereignty Operations.

The January 2009 Government Accountability Office report focuses on a vital mission area that's been a part of the Air Force and Air National Guard for over 50 years. The GAO report provides useful recommendations the Air Force can take to better support ASA operations. We've analyzed the GAO findings and are working to comply with the recommended actions.

The Air Force stands ready to win today's joint fight and plan for tomorrow's challenges.

I thank the subcommittee for allowing me to appear before you today, and for your continued support of the Air Force. I look forward to your questions.

ORTIZ:

General Wyatt?

WYATT:

Thank you, Chairman Ortiz, Ranking Member Forbes and members of the committee.

Secretary Gates wrote in the 2008 National Defense Strategy, and I quote, "a core responsibility of the U.S. government is to protect the American people -- in the words of the framers of our Constitution, to provide for the common defense."

As we sit here today, nearly 3,000 men and women of the Air National Guard are protecting the skies over our heads. This includes Air Guard members manning 1st Air Force and its air defense sectors and operation centers, and the aircrews, maintenance personnel and other support personnel at 16 of the 18 U.S. air sovereignty alert sites throughout the United States.

The January GAO report focused on the air sovereignty alert, those sites that were conducting steady-state ASA operations through September of 2008.

I'd like to put a face to some of the Air National Guard challenges associated with ASA.

As, Mr. Chairman, you indicated at 2:55 p.m. on April 6th, the Cessna 172 was stolen from an airport in Thunder Bay, Ontario, Canada. It entered U.S. airspace over Michigan's upper peninsula at 4:23, and at 4:43, it was intercepted by two F-16s from the 148 Fighter Wing, Duluth, Minnesota, Air National Guard.

I would point out to the committee that the first responding aircraft are the oldest aircraft, and the first aircraft to age out, which we anticipate will happen in fiscal year '15.

As the pilot flew over Minnesota, south through Wisconsin, Illinois and Missouri, escort duty was then handed off to the 115th Fighter Wing, Wisconsin Air National Guard. And we have a member of that unit with me today. Seated behind me is Staff Sergeant Weston "Wes" Chadwick (ph). He was a member of the Air Sovereignty Alert Team that performed that mission. And I'll tell you more about Staff Sergeant Chadwick (ph) here in just a second.

Subsequent to the Wisconsin Air National Guard, the Louisiana Air National Guard F-15 picked up the mission. And throughout the mission, tanker support, in-flight refueling, was provided by the 117th Air Refueling Wing, Alabama Air National Guard.

By the way, they were flying a 50-year-old aircraft.

While this incident ended well, it demonstrates several important points that the chairman has already recognized. First, that the threat to U.S. sovereignty from the air has moved beyond Soviet bombers to include aircraft on domestic flights, as we learned on September 11th, and slow-flying, low-altitude planes such as this Cessna 172.

What's next? Perhaps UAVs, cruise missiles launched from offshore, and certainly the maritime threat. We must not again underestimate the ingenuity and technological capability of our adversary. As the September 11th Commission aptly noted, beware the failure of imagination.

These threats require different defensive capabilities, including modernizing and recapitalizing both our fighter and aerial refueling aircraft fleets, and rethinking about how this mission is sustained in terms of funding and personnel.

I would submit to you that ASA is a system of systems, including surveillance radar, early warning systems, command and control and communications systems, certainly the fighters, which get a lot of the attention, but the tanker fleet also, and the AWAC system. But I submit to you that the most important part of this system are the dedicated professionals, the people that accomplish this mission.

You're well aware of the challenges that the U.S. Air Force has in modernizing and recapitalizing both its fighter and refueling fleets. We've been working closely with the Air Force and their planning. But to-date, there are no firm plans to replace the Air National Guard F-15 and F-16 fleet currently protecting our skies. The ASA fleet and the Air National Guard is among the oldest and, therefore, the most at-risk force that we have.

Over the last several years, Congress has been very helpful in funding Air National Guard's ASA radar modernization program, but this program requires continued attention if we are to meet today's threats and bridge capabilities to the next generation of fighter aircraft.

ASA is essential to improve both capability and sustainment. For example, if the Cessna had entered U.S. airspace in a high traffic area, such as New York, it would have been very difficult for the older F-16s to find, identify and track it with the older radar systems that they had. The aging KC-135 fleet, as you are well aware, is especially critical for the Air National Guard, not just for the ASA mission, but for the fight overseas.

The ASA mission is dependent upon aerial refueling, and the Air National Guard has some of the oldest KC-135s in the total force fleet -- example, the 117th that performed in this mission with a 50-year- old aircraft.

The most important part of ASA, as I indicated, is our people. On an average day, there are more than 1,600 Air National Guard men and women performing the ASA mission in Title 32 status. It includes not only fighter pilots, but aircraft weapons maintenance, life support specialists, intel specialists, security forces and avionics specialists, such as Staff Sergeant Chadwick (ph).

The GAO report states the Air Force has not implemented ASA operations as a steady-state, ongoing and definite mission. For the Air National Guard, this translates into two primary issues: the first, funding, a lack of consistent, predictable funding; and second, the equipment part that we mentioned earlier.

Funding affects our people in various ways. Many of those manning the alert sites are on temporary active guard and reserve tours. Two-year funding means that these people are on two-year contracts that end at the end of September. The next one will be this September. They do not know if they will have a job after their contract ends. They don't know what to tell their civilian employers. Are they returning to work, or are they not?

In FY '08, only 772 of our required 922 AGR positions were funded. The difference is filled with traditional guardsmen on man- days (ph). And they're caught in that same predicament. Do they have a job, or do they not?

Staff Sergeant Wes Chadwick (ph) has joined me here today. He's an avionic specialist with the 115th Fighter Wing, Wisconsin Air National Guard. I would ask that he stand as I relate to you his personal situation, but it's a situation that's echoed throughout the gallant people that are performing this mission.

He helped prep and launch the alert birds that intercepted the aircraft intruder on 6 April. He is an example of the outstanding guardsmen who are personally impacted by the lack of consistent funding and planning for this mission.

From October 2005 to September 2007, Sergeant Chadwick (ph) worked ASA at Truax Field as a temporary AGR on Title 32 orders. But he didn't know if his job was

going to continue past September 31st of that year, because of a lack of funding. He therefore volunteered for his wing's AEF rotation in the theater.

And that's a key point, because these ASA alert sites flying F- 16s and F-15s are also involved in the United States Air Force AEF rotations. It's not only an ASA fleet strictly. It is one that we use in the AEF rotations, also.

But he volunteered to go to Balad in January through March of 2008. In the meantime, from October of '07 to January '08, he entered college -- no income, no health coverage. And he married in December of '08.

He returned from Iraq in April, and was offered another temporary AGR tour from May through September of '08, when the funding ended again. His orders were late arriving, so he didn't go on duty until June 5th, so he went for two months without pay. He eventually received some back pay, but he lost TRICARE coverage during that period of time.

He has deployed one other time on an AEF rotation, and as he sits here today, has volunteered yet for a third time.

Because his unit must sustain ASA, even as the rest of the unit deploys for their AEF rotation, the unit must first find a volunteer to replace Staff Sergeant Chadwick (ph) in his ASA job.

I would like to personally thank Sergeant Chadwick (ph) for his dedicated service and perseverance. Thank you very much.

In conclusion, Mr. Chairman, I would submit that the homeland defense mission is the primary mission of the Department of Defense. ASA is a primary component of that homeland defense mission. But we and the Department of Defense need to work together to better ensure the long-term viability of the capability.

The United States Air Force today has the power and the ability to fix both of these problems: first, by funding within the FYDP; and second, assisting in the recapitalization of the Air National Guard early, but not late.

Recapitalization of ASA is recapitalization of the United States Air Force. It should not be viewed as competitive, but rather complementary to the recapitalization of the Air Force, because when you recapitalize the ASA fleet, you are recapitalizing those same jets that perform the AEF mission. The Air Force can have its cake and eat it, too, with early recapitalization of the Air National Guard.

Mr. Chairman and members of the committee, I thank you for your time and support, and I look forward to your questions.

ORTIZ:

Thank you, General.

Sergeant, thank you so much for your dedication and your commitment. We're proud of you and other members of the Air Force and National Guard -- and the Air Force for

doing a tremendous job in keeping our country free from an attack.

This reminds me, you know, I come from Corpus Christi. And we are prone to hurricanes. And they can strike with a devastating force. But then after it strikes, there is a calm until the backside of the other storm hits you again.

And thank God that we've been -- I guess because of the work that you all have done, that we have not been attacked again. But as I was listening to this more cut (ph) the grass, I thought somebody was intruding into our airspace. But thank you so much for your testimony.

Now, I would like, beginning with Secretary Verga, ask questions about how is the Air Force intending to comply with Section 354 of the Fiscal Year '09 NDAA.

VERGA:

Well, Mr. Chairman, I know that it was our understanding that the Air Force was, in fact, preparing the necessary budget display materials to allow the committee the information that it required. I'm actually not personally prepared to say what the Air Force is doing. I would ask that the general address that specifically. But that's what we need to do, is to give you the information that's necessary.

ORTIZ:

General Darnell?

DARNELL:

Mr. Chairman, we've read the language. Our intent is to comply. You should see the information broken out in the documents that come over for the budget. And we feel like it's exactly what the committee is looking for. So, as I said before, the intent is to comply. It's our first attempt to ensure you got the information you need. We'll certainly work with your staff if there is any other visibility that's required.

ORTIZ:

You know, and this is very important to us. This committee has a huge responsibility, number one, to provide what you all need to defend our country, our skies and be ready to dispose of anybody who might be trying to attack.

But let me ask GAO a question.

Unless, General -- do you have any comments?

The GAO -- I'm going to ask them a question to see -- do you believe DOD's comments to your report were responsive to your findings and recommendations?

D'AGOSTINO:

Mr. Chairman, we noted that DOD did concur or partially concur with each recommendation, which we always appreciate. But normally when they really do concur, they tell us what they plan to do to implement the recommendation and when they plan to do it by. In this case, we did not have a lot of that kind of response in the discussion or the narrative of the comments.

ORTIZ:

And I wonder why there was not adequate response to the question from GAO.

VERGA:

As Ms. D'Agostino said, we did -- the primary offices' responsibility for this bureaucratically in the Department of Defense is the Office of the Inspector General handles the staffing of GAO reports. And then it goes down to an office that has the substantive expertise on it. In this case, it's the Office of the Assistant Secretary of Defense for Homeland Defense and America's Security Affairs. That is the office that did, in fact, concur or partially concur on the recommendations, agreeing with the needs as stated by the GAO, but not necessarily the specific courses of action that were recommended.

We have, in fact, responded to a bunch of follow-up questions that we had with the GAO trying to work together with them. My understanding is to date we've not had the sort of back and forth on those responses to the additional questions. But I assure you that we -- when we concur with a recommendation or partially concur -- partially concur meaning we agree with what you said, but not necessarily the remedy that you suggested -- that we will, in fact, follow-up on them.

ORTIZ:

I would like to ask GAO do you agree. It's not that I'm trying to put anybody or picking on you guys. This is not our intent. But what we're trying to do is to get to the bottom of this so that we can give you what you need and so that we -- and you all to comply with the direction of what the Congress gave you. So, ma'am, if you could...

D'AGOSTINO:

Yes, if I could just draw on a specific example to explain...

ORTIZ:

Can you get closer to the microphone?

D'AGOSTINO:

Sure. If I could just draw on a specific example of the DOD comments to one of our

recommendations that was a little confounding for us. We recommended that the FECTA (ph) direct the secretary of the Air Force to formally assign the air sovereignty alert mission to the units that are performing those operations at study sites and then ensure that their readiness is measured. OK?

The DOD response was we partially concur. We're furnishing clear direction through the Operation Noble Eagle execution order. And they indicated they might review the execution order at some later date. But our situation was you don't have to review the execution order to have the Air Force assign the mission to the units. So it was confounding to us, very confusing in terms of why they brought up the execution order for Operation Noble Eagle, which isn't the only foundation for the ASA operations, as you know.

And so, it was very confusing to us. And it remains so today. So we just wanted somebody to direct the Air Force to assign the mission with pretty straightforward and measure the readiness. And then we got this ex order discussion, which doesn't really apply to the recommendation because you can fix the problem without changing the execute order. OK? Does that help?

ORTIZ:

That helped. But let me just ask one more question, and then I would like to allow, you know, some of our members who have other important questions.

But what concrete actions would the Air Force take after today's hearing to ensure that ASA operations are implemented as a steady state mission?

General Darnell or...

DARNELL (?):

Mr. Chairman, I'll answer that question.

Ms. D'Agostino's point -- and when you talk about ex order and the fact that she didn't feel like it really gave her the detail she needed, what we really need to do is assign the mission via doc statements in squadrons, which we're in the process of doing. I just talked to my staff this morning. ACC's been working with Air National Guard. All but two of the ASA units have submitted their recommendations for doc statement tasking.

We should have that wrapped up, we hope, by late summer, early fall. But when you have a doc statement that assigns a mission, then lots of other things fall in place. Excuse me.

You're inspected on a regular basis. You are trained and organized and funded and resourced according to your doc statements. This speaks to General Wyatt's point, frankly, about the funding not being long-term. And I agree with his statement. I agree with the GAO's finding as well.

So I already talked to the resource managers in the Air Force. We're already working to make this a long-term funding mission for the Air Force versus the two-year construct that we have right now.

ORTIZ:

And we want to help. Anything that we can do to help, whether it's a personnel matter. Is it equipment? You know, let us know because we want to work with you. We want to do everything we can to protect our country.

And with that, now I'd like to yield to my good friend, Mr. Forbes, for any further questions that he might have.

FORBES:

Thank you, Mr. Chairman.

And first of all, let me start with Sergeant Chadwick (ph). We want to -- the chairman and I both want to thank you for your service. And we appreciate your attendance here today. And we owe you better than we've been giving you.

And as the chairman mentioned, we're not here to point fingers at anybody. We're here just to make sure that Sergeant Chadwick (ph) and the other people serving our country don't fall between these gaps sometime when we're trying to provide for resourcing them.

The other thing that sometimes frustrates us is we watch as we are in negotiations with China from time to time. And they always come in. Every time it's the same thing. They spend a long period of time just denying something happened. And then all of a sudden, they start agreeing it happened. But we never see them change. You know?

And so, what we're trying to do here in as friendly a way as we can is to say how do we just move this ball to make sure it happens.

And, General Darnell, your statement is probably the best statement that we'll have here all day. If we can get that mission statement assigned, I think this hearing would have had a huge importance because, you know, as I look at it, the bottom line is prior to September 11th, I think we had about four sites operable. And then, you know, after 9/11, we've got, as you testified, about 18 sites going.

There's no question that this is the mission that's going to be ongoing. And, you know, eight years is probably long enough for us to get that picture and to assign it because the three things we're concerned about -- you mentioned, General, the training, the inspection, but also the capitalization. I think if we can just assign those missions, the others will probably flow through. And so, I'm just optimistic of hearing that.

And that was going to be my whole line of questioning. But you've answered that.

The one question I would have for Mr. Verga, though, just to clear up for me, you indicated, if I didn't misunderstand you, that Operation Noble Eagle is managed under the global force management plan. I think that's a JFCOM administered program. Isn't it? Or is it not?

VERGA:

Global force management plan is the dynamic process by which the secretary of defense advised by the chairman and the joint staff allocates forces to all of the worldwide combatant commanders for the missions that are assigned to them. It's a process that is ongoing when we decide to do more in Afghanistan, to draw down in Iraq, when we decide we have greater air threats against the United States. All of the forces worldwide are managed dynamically in terms of those which are assigned to the combatant commanders who bear responsibility for those various missions.

FORBES:

Help me with the connectivity here because I could be wrong, but as I understand it, when the airmen are on alert, they're in title 32 status, which basically are under the state. How do we know that they're there? I mean, is this something we just kind of hope for? Is it something that we kind of guess that they're going to be? What -- how do we connect those dots to make sure that that's part of your plan if they are sitting in Title 32 status?

(UNKNOWN)

I'll defer the specific answers to that, though. The secretary holds the combatant commander, who has responsibility for the mission, responsible for the readiness and the ability of the forces to do that mission. He then turns to the force providers, either the United States Air Force or the Air National Guard component of the Air Force to organize, train, and equip those forces for the missions that they may be assigned to do.

The dynamic nature of the Air National Guard providing ready day- to-day forces and this Title 32, while you're on alert and Title 10 as soon as you take off in the air is a process that has worked, to my understanding, very effectively over the years. It's never been brought to my attention that we've ever had a problem with being assured on the readiness. We see reports every day on the numbers of fighters and things like that. But I would turn to the general to give you the specifics.

WYATT:

Mr. Forbes, this may help a little bit. I think the root of the problem goes back as far as the GFM, global force management. It goes back to the issue with the doc statements.

The management of personnel through GFM relies heavily upon doc statements for resourcing of the people. If you have a doc statement, that's the beginning document that results in the assignment of manpower, assignment of equipment, determination of minimum essential task listings that the unit that's to do, unit tasking codes.

That sets up a reporting system that allows the commander, then, to report, sometimes in a classified manner, the status of forces as it relates to the doc statement. The problem in the past has been that these units have been had doc statements. They have for their general purpose, but not for ASA. ASA has been an additional duty, if you will, kind of a pick-up game.

And so without the doc statement and the resulting support systems that flow from the Department of Defense and the United States Air Force, the manning of ASA when a unit

goes AEF is basically left up to the Air National Guard and the Air Force and Air Combat Command to work their deals, if you will.

And it's kind of an ad hoc system that, thanks to the great volunteerism that we have in the Air National Guard, we've got missed a lick. But we rely upon great support from the United States Air Force to continue that mission.

It would seem to me that the appropriate thing to do -- and as General Darnell indicated, we've already started writing those doc statements. It's not anything that I can push up through the system. He can pull; I can push, and we can get these doc statements done, and then have the Air Force corporate system take a look at the importance of the mission.

These units do not go unevaluated. NORAD does do alert flight evaluations to make sure that they are trained, ready, and capable to do the mission. But I think the key is -- you know, I'm from Oklahoma, and actions speak a whole lot louder than words. And when I hear comments about the mission not competing well against other missions that the DOD or the Air Force may have, I kind of scratch my head -- and I think that's reflected in the status that we currently have.

But I kind of scratch my head, and I ask myself what's more important than defense of the United States of America. And when we can match up the priorities that the Department of Defense and the United States Air Force give defense of the homeland with the resourcing, with the tasking, then I think we, no kidding, can step back and say we are resourcing the number one mission for this country adequately.

FORBES:

Should the assigned alert personnel be in Title 10 status? Or do you think Title 32 status is adequate?

(UNKNOWN)

Title 32 works very well. It allows us to field a capability. As soon as that aircraft is launched, they go into a Title 10 status. This situation has worked very well for the us in the past. It allows the type of flexibility that the local commanders need to man the mission. But yet it allows the pilots to be in the appropriate title upon execution of the mission. It's worked very well for us in the past, and I would urge that it be continued.

FORBES:

Well, I want to just echo what the chairman said. And that is if there's anything this subcommittee can do to help move that process along, we want to be here to do it.

Secondly, to also echo what he said in terms of thanking you for keeping us safe regardless of what blemishes, warts, remedies that we need to do. You've done a fantastic job from September 11th on.

If you hadn't have, people would have had you in here pointing fingers. So we want to make sure that we just take this opportunity to thank you.

Mr. Chairman, I yield back the balance of my time.

ORTIZ:

Thank you. And this is what's good about this panel. We put you together -- GAO, Air Force -- so that we can get to the bottom of what we need to do to correct anything that needs to be corrected.

So now, Ms. Giffords?

GIFFORDS:

Thank you, Mr. Chairman.

Thank you, Mr. Forbes, as well for this hearing.

And truly believe, just like General Wyatt talked about. I mean, this is the number one mission of the United States government, of representatives of the United States government. And it's the number one mission of our military.

The job of protecting our homeland, General, falls squarely on your shoulders. It falls squarely on the guard and, certainly, on Staff Sergeant Chadwick and your colleagues because the responsibility really lies within your parameters. And since 9/11, you have stood 24 hours a day alert for the last 397 weeks.

I believe that your mission is unquestionable, but the future of this mission, Mr. Chairman, I think is in question. And this hearing is so important because I'm certainly not hearing the answers that I think are necessary for the people that we represent.

I believe that the Air Force and the Department of Defense have failed to plan for the future of the ASA. And by failing to adequately study legitimate options for resourcing the mission, I believe that we're talking about a virtual reality and not about a real case situation.

I think that our Air Force has generated report after report assuring us that serious consideration is being given to the issue, yet we have not seen specific planning and, certainly, we have not seen the action necessary.

The Air Guard's largest fighter wing, the 162nd, is in Tucson. And Tucson is my hometown. It's responsible for the overflights of Phoenix, the fifth largest city in the country. Ensuring their viability is vital to more than 4 million people in the metro area.

During the recent NORAD review of the 162nd, the inspection lead -- team lead said of our alert detachment, the 162nd, it's the best F-16 maintenance in NORAD. But, unfortunately, when you look at the current glide slope -- and I urge members to really study this, and I will be passing on to other members that don't serve on the subcommittee or even the committee -- unfortunately, the 162nd will have no flyable aircraft in just six years. And Tucson is just the tip of the iceberg.

Our Arizona experience is indicative of Guard facilities across the country who face an uncertain future. As the Air Force continues to look over the horizon, they are ignoring

the rapidly approaching fighter shortfall at home. In eight years, 80 percent of our Air National Guard aircraft will be unfit to fly.

This is a hard fact that will result in a serious gap in domestic air sovereignty. On any scale measures by any metric, an 80 percent loss is simply unacceptable.

When those aircraft were remove removed from service, our guardsmen, our pilots, our maintenance crews, our support crews in Tucson and across the country will principally be out of a job. So we have to take this opportunity to prevent a dangerous and irreversible shortfall.

This is going to require earnest leadership from the Air Force and from the department to choose the right option based on the facts. To shore up our Air Guard's ability to secure the homeland, I believe that we have to choose to invest in more of the legacy aircraft that our guardsmen already know how to fly and to fix. We should reject service-life extension programs that are penny wise and pound foolish.

And while fifth-generation aircraft are undoubtedly the future for many units relying solely on that aircraft that, to this day, only flies in the world of PowerPoint is equally short sighted.

These aircraft are not expected to be delivered to the Guard for more than a decade, and we simply can't wait that long. My Guard unit, my constituents, this committee, the people that they represent, the American people deserve to have the answers that we have repeatedly requested from the department and the Air Force.

We are not simply concerned about force size. We have to sustain a balanced and total force structure.

So with that, I have some questions for General Wyatt specifically when you look at the chart showing that the fighter waterfall will hit the Air Guard over the next eight years, can you please address the consequences of an 80 percent reduction in capability and its negative impact on our national military strategy?

WYATT:

Yes, ma'am. I would be happy to, and thank you for the question.

Your exactly correct. We have -- of the 16 fighter units in the Air National Guard that are pulling alert, 11 of those are F-16 units. And of those 11, eight are scheduled to reach the service life of their aircraft in the fiscal year '15 through '17 year period. Tucson being one of those.

We have made some progress recently in working with Air Combat Command in addressing the recapitalization of those aging aircraft. We've not seen a flight plan yet for recapitalization that takes care of that problem.

There have been statements made that the Air National Guard is written in to the bed down of the F-22 and the F-35. And those statements are correct. But the timing of the bed down is what concerns me more than the numbers of the aircraft right now because the -- the only plan that I've seen that's been published to date has the Air National Guard getting into these weapons systems, as you say, about ten years late to need.

So we've been working with Air Combat Command to push forward or accelerate the fielding of the F-35 and F-22 into Air National Guard units early. And we're making some progress there, but the thing to consider is that the Air Force has other competing missions that they must -- that they must weigh. And this goes back to my previous statement that, as we weigh and balance the importance of all of these very important missions, I have a hard time understanding why defense of the homeland is not number one and should be focused on for early capitalization.

If the Air National Guard could get in to the earlier fielding of these weapons systems, this problem would be solved. If it's not solved, then some other force will have to pick up that mission, and it detracts from the Navy's mission, the Marine Corps' mission, and the overseas fight that the United States Air Force has.

WYATT:

So I share your concern. And that's one of the three main issues that I think the GAO report and this committee should really be interested in.

GIFFORDS:

Mr. Chairman, I know my time is up, but I would just like to emphasize that, if we lose these guardsmen and guardswomen, we will not get them back. I mean, right now, we have a force that functions very well, highly trained, highly competent.

Obviously, as we heard from Staff Sergeant Chadwick's (ph) biography, very committed to the cause, but I think that we are headed in the wrong direction by changing - changing course and not supplying our units with what they need.

ORTIZ:

Thank you so much. If necessary, we'll have a second round of questions.

My good friend, Mr. LoBiondo from New Jersey?

LOBIONDO:

Thank you, Mr. Chairman, very much for holding the hearing, and to you, Mr. Forbes.

I'd also like to thank my colleague, Congressman Giffords from Arizona, for joining in with me in trying to raise the level of attention, should we say.

And the level of frustration, at least from my part -- and I think from some of my colleagues -- is -- is -- is really growing. We've for years now been hearing that a plan will be unveiled, a plan will be developed, solutions will be laid on the table, and, Mr. Chairman, I don't -- I don't know how long we wait on this, but the clock ticks.

We've -- we've heard what's going to happen in eight years with 80 percent of our force. I represent the 177th Fighter Wing out of Atlantic City, arguably one of the most

strategically located homeland security bases in the nation, by virtue of their proximity to New York City and Washington, D.C.

And we have all of the same concerns, without getting any of the answers. And I don't know, Mr. Verga, I mean, would you -- would you say that protecting the homeland from direct attack is the number-one priority, as outlined by the national defense strategy as we know it?

VERGA:

Yes, sir. I would agree with that. It also enjoys a very high priority in what's called the Guidance for the Employment of the Force, which what we do -- we tell the services and the combatant commanders how to actually employ the force.

I would say that I'm a little bit -- disturbed is probably the word I would use -- about a direction I think I see some of the comments going in, and that is the sort of fencing and dedicating of this mission to the Air National Guard.

Which we have traditionally employed the Air National Guard part of the total force to do this mission, I do think we must keep in mind that it is a mission broadly for the department, not necessarily a mission limited to any single component of the department.

I personally do not think we're going to suffer a gap in the air defense of the United States anytime in the foreseeable future due to the priorities that this is -- that this is afforded.

I would separate that in my mind from the equipping and recapitalization of the aircraft currently assigned to the -- to the Air National Guard for their support of the total force mission. So I -- that's just a comment I think I would like to make. The -- the mission is not going to suffer.

Now, can I say authoritatively that the fighter wings that you're concerned about are going to be first up for getting replacement aircraft? No, I can't say that. That's a master plan that the Air Force will -- will have.

But the assignment of sufficient forces to accomplish the mission of defending the airspace of the United States and maintaining air sovereignty is without -- is unquestioned.

LOBIONDO:

Well, I am -- I am thrilled to hear that, but maybe it's just my mind, or maybe some of my colleagues can help me out, or the chairman, if it's -- the mission is protected and guaranteed, then there has to be some ability to articulate how that's going to happen.

Because unless the Air Force is going to dramatically increase its numbers, and we don't know what the tempo is going to be in Afghanistan or even maybe what it will be in Iraq or some other location around the world, and clearly the assets that the Air Guard is using are running to the end of their useful life, so we can say, "Well, well, OK, maybe we don't need Air Guard units."

But in my mind, if an Air Guard unit goes away, it goes away. You can't flip a switch

and bring it back. These folks are the best bang for the buck, I think, we have in the military. And part of my frustration is that we don't have an understanding of how the protection of the mission will be accomplished.

And I don't know, General Darnell, I mean, do you believe that the -- that we are going to have a problem in 6, 8, 10 years with the fleet reaching the end of its useful service?

DARNELL:

Congressman, I -- we will ensure that there is no problem. And our -- our -- our dilemma at this point right today is we have a QDR discussion coming up. We've got to wait until we get on the back side of that to be able to definitively give you something as of -- as of today, exactly where we'll be at.

But as General Wyatt said, we've been working very closely with the Guard, ACC has, and this is not something we're ignoring. We're trying, obviously, to ensure that the nation has -- or the nation has the -- the safety and defense that -- that it requires.

As Mr. Verga said, we will ensure, whether it be through the Air Force or a combination of forces, that this nation is defended.

LOBIONDO:

Well, thank you, General, but Congresswoman Giffords has a chart that is easily understood. And what we would like to see if that what you're telling us about -- basically, don't worry, we're going to have a plan, and it's all going to be OK, we'd sort of like to see that.

I think the chairman has articulated he'd like to see it. I think GAO talked about that a little bit. And I'd feel a whole lot better if -- if you could come to the full committee or to this committee and be able to articulate why it is that we shouldn't be concerned.

Because if you look at the chart, and you look at the aircraft that are coming off-line, and you look at the challenges that the Air Force has, at least to -- to me, as just an average member of Congress, I can't connect the dots in my mind.

And I know I'm running tight on time, but, General Wyatt, one question for you. Do you have an opinion as what the solution would be for this fighter gap problem? If you had your ability to make your choice, not worrying about what somebody else was going to say, what -- what would you say the choice would be to fix this problem?

WYATT:

Thank you for the question, sir. And let me try my best to answer that.

Mr. Verga makes a good point, that this mission should not necessarily be fenced to the Air National Guard, although I would maybe counter that with the fact that the Department of Defense has sought willing participants for this mission from across the services.

And the best resolution primarily for expense purposes that you pointed out, the most efficient force is the Air National Guard. That's -- that's the solution, in my mind, that -- that works the best.

If we -- I tried to make the point that recapitalizing the Air National Guard fleet should not be considered as competitive to recapitalizing the United States Air Force, because these same units are rotated in and out of theater in the AEF rotation.

So it's not strictly a fencing or dedication argument as has been proposed, but rather a recapitalization of the United States Air Force, a portion of that recognizing the importance of mission number one and recognizing the unique ability and cost efficiencies of the Air National Guard in performing that mission.

My preferences would -- would be that, when we recapitalize -- we being the United States Air Force -- that we recapitalize as a total United States Air Force and we field these capabilities concurrently and proportionately between the active duty, the Air Force Reserve, and the Air National Guard.

And if we do that, we can take care of the issue that you have pointed out with the -- with the waterfall chart. We can do this through the concept of associations and recognizing that there is great benefit in -- especially in the ASA mission of the distribution of locations offered by the Air National Guard.

We are strategically located in -- as you pointed out, in Atlantic City, New Jersey, from your constituency. But if you take a look at the locations of all the ASA sites in the Air National Guard, they are located where they can quickly react to a threat that may come from any of the -- the 360 degrees of -- of airspace that we protect.

But through the construct, not only recapitalization, but construct of associations where we mesh active duty and Air National Guard, in some cases Air Force Reserve, I think that's an answer, too, in addition to the recapitalization issues that we've talked about.

LOBIONDO:

I -- I thank you, General. And I am in complete concurrence with your answer.

Mr. Chairman, I hope you will find ways to continue to keep the heat turned up on getting some of these additional answers. Thank you.

ORTIZ:

I think that the gentleman raised some very important points. We would like to see the replacement of these fighters that are getting old. We'd like to see a budget. We'd like to see the training. We'd like to see what the National Guard is going to do. I think that you raised some very important issues here.

Ms. Shea-Porter?

SHEA-PORTER:

Thank you.

Mr. Verga, you said that the mission is not going to suffer. And I grew up in a very large family, and we had work lists every single day, twice a day, because my mother knew the mission of that Shea household would suffer if we didn't all know who was doing what.

And so I just wanted to take a little bit of the comments that were in the GAO report -- and perhaps Ms. D'Agostino will talk about it -- but I'm concerned NORAD had not conducted routine risk assessments to determine ASA operational requirements, including the appropriate level and types of unit, personnel and aircraft for the mission, and that the Air National Guard units that are performing the ASA mission do not have the mission included in their designated operational capability statement.

Is that so, Ms. D'Agostino?

D'AGOSTINO:

Yes, it is.

SHEA-PORTER:

And does that worry you like it worries us?

D'AGOSTINO:

It concerned us. The -- let me clarify that NORAD did do three assessments in response to individual requests from the leadership at the department, largely looking to save money. And each time they did these risk-based assessments, the current number of units and -- and assignment of aircraft, et cetera, and personnel were apparently validated, so that there was no reduction and no change from the 18-unit -- the current configuration.

I guess our only concern is that, you know, things change, and the threats are asymmetric, that it is -- it makes a lot of sense to do risk assessments on a routine basis. And, also, in light of the -- the current fiscal constraints that we're facing as a nation, it makes sense to take a good, hard look at your requirements.

D'AGOSTINO:

And we think the best way to do this is through a risk-based assessment process, and that would consider threats, vulnerability, criticality. And -- and then you have to consider resources as well. And you would prioritize your needs or your requirements and then resource those highest priority requirements.

So that's why we suggested that they do a routine risk assessment process on their -- to determine their requirement and so they have valid justification for what they request.

SHEA-PORTER:

Are you also concerned about a diffusion of responsibility when so many different groups have a piece of it?

D'AGOSTINO:

We were very concerned that the air sovereignty alert mission was not on the doc statements of these units. And because of that, it really created a -- I don't want to use the waterfall thing, but it has a number of rolling consequences for the units in terms of, you know, the readiness. It's not put into the readiness system. They are not measured. Their training isn't checked up on.

So as an Air Force responsibility, we thought that they needed to assign -- formally assign the mission to those units. And that's why we recommended that.

SHEA-PORTER:

Right. And I obviously concur. And I would like to associate myself with the congresswoman's comments. I have the same concern.

I think the American public would be horrified to know -- and let me make sure I have the count right, but that in 2001 we had 14 aircraft designated for this mission. Is that correct? And now we have 54.

So, OK, so let me ask the next question, please. And I don't know if it makes any sense or not. But knowing that we are facing a problem with a shortage of aircraft and knowing the other circumstances, does it make any sense to have more active duty wings at Air National Guard bases?

Would that in any way help alleviate some of the pressure, at least for the planes themselves and maybe some of the personnel? I have absolutely no idea if that's a reasonable question or not. But it occurred to me that.

WYATT (?):

I think one way to answer your question would be to go back to a previous comment I made about associations. As the number of fighter aircraft available for the defense of the country and execution of all of our missions, including those overseas, I think it makes sense to look at ways to become more efficient in the recapitalization, in the placement and location of those capabilities and in the different components, strengths and weaknesses as we try to figure out a better way to proceed forward.

The days of unconstrained capability are long gone. And I am very appreciative of the financial concerns that the country is experiencing right now. And I think one of the ways to make sure that we most efficiently meet the taskings of this mission, but all of our missions overseas is to place great importance upon the association construct that considers location and some of the ideal locations that the Air National Guard provides for these particular missions. But we also need to recognize that there are some ideal locations where the active duty Air Force can provide for these types of missions.

And so, I think location should not be determined based upon whether it's Air

National Guard or United States Air Force, but where the location best serves the interest of the country. And then as we put those units together, because we have fewer air frames to fly, but we need to maintain the pilot proficiency, the maintenance proficiencies and we need to -- especially in the Guard, we need to provide this country with a surge capability. I mean, that's what makes the Air National Guard the most efficient force is that, not only do we handle the day-to-day ASA and our share of the AEF rotations, but we are also available for that surge capability.

If we have limited numbers of airplanes, you nevertheless need a surge capability because pilots and maintainers cannot work 24 hours a day. If you have to deploy or you have a situation in the United States of America that requires 24 hour a day operations at a much greater level than the current steady state, you need to have access to that surge capability.

And I think the association construct, whether it is what we call active associations where the active duty comes to a Guard location or whether it's the classic association where Guard members go to the active duty, we need to do the smart thing. We need to do both of those in locations that make sense for air sovereignty alert, but also makes sense for some of the other missions that the Air Force does.

SHEA-PORTER:

Thank you. I know my time has run out. But I also would like to thank the men and the women of the National Guard. We're still working on trying to get things right for their service. So thank you. Thank you very much.

And I yield back.

ORTIZ:

Mr. Coffman?

COFFMAN:

Thank you, Mr. Chairman.

General Wyatt, one issue I want to raise, a Colorado-specific issue is Buckley Air Force Base, which was a former National Guard facility, but it has our -- we have the wing component -- or the F-16 component of the Air National Guard there. And they're hopefully going to go to F-35 at some point. There is some concern.

My district has the eastern edge of that coming up to the base. And I think there is concern about encroachment onto in and around the base where we might lose that flying mission. I wonder if you might comment on any efforts made there to preserve the flying mission there relative to development around the facility.

WYATT:

Congressman, as you're aware, the Colorado unit is one of those units that performs

ASA. My good friend, Mike Edwards, the adjutant general of Colorado, himself a fighter pilot, is very attuned to the issues and challenges. And, in fact, he contributes greatly to the expertise within the Air National Guard that addresses these issues.

You speak of encroachment. I've been to Buckley several times. I hate to admit the first time I was there was in an F-100. I've flown A-7s in there, been in there a lot of other different aircraft. And I remember the days when Buckley was kind of out there on its own. And you're right, there are encroachment activities. And that is true of some Air National Guard bases. It's also true of active duty bases.

And I think we need to be cognizant of that as we look toward forward basing. But in talking to General Edwards, I'm aware of some significant efforts by your leadership and the leadership -- the local leadership in Colorado to be cognizant of the encroachment issue and do what can be done to make sure that that does not adversely affect the possibilities of the Colorado Air National Guard in this recapitalization effort. I hope that answers your question, sir.

COFFMAN:

Thank you. General Wyatt, just another comment. I introduced House Resolution 1789, the National Guard Employment Act of 2009. And it takes into account folks that are called up within the United States as well as dealing with the five-year limit. I wonder if you might be able to comment on that.

WYATT:

Yes, sir, I'd be happy to. And thank you very much for your interest in that particular area because it demonstrates sometimes what unintended consequences of some really good intentions to begin with.

We talked about the status that guardsmen are in when they perform the ASA mission. And up until about 2005 it was a Title 10 status for, not only the pilots when they launched, but also as they sat alert and for some of our maintenance crews and supporting personnel.

In 2005, because Title 32 status gives the wing commanders a little more flexibility in providing manpower for that mission and handling their other taskings, the law allowed Title 32 people to do that mission, converting to Title 10 when the mission was launched, which I think is the proper way to do that. The provision in USR (ph) that you talked about has a five-year limitation. The USR (ph) protection is only available for five years, unless there are some exceptions to that. Unless you are called to Title 10 service or to serve in OCO, overseas contingency operations, or any other similarly situated wars.

When we went to the Title 32 status, that same protection was inadvertently, I think in my mind, inadvertently not provided for our Title 32 folks so that as they do the same mission they were doing in Title 10, but now simply because of their conversion to a Title 32 status, they lose that exception. And now after five years of doing ASA, they have no reemployment rights. I don't think that was the intention of the original legislation.

But your legislation fixes that problem and provides that same sort of relief that we thought was the right thing to do under Title 10 for doing that same mission to Title 32 folks that are doing the ASA mission. So I thank you very much for your attention to that

problem and help in fixing it. Thank you, sir.

COFFMAN:

Thank you, General Wyatt.

Any other comments by the panel?

Mr. Chairman, I yield back the balance of my time.

ORTIZ:

Mr. Taylor?

TAYLOR:

General, very quickly before I yield my time to Ms. Giffords. We had the unfortunate death of a national guardsman the night of Katrina. Because he died while under Title 32 status, his widow and children received a smaller death benefit than had he died under Title 10. Now, with the help of General Blum and General Casey, we were able to fix that.

I'm just curious. Is that still the norm? If one of your pilots dies on a training mission, is married, does his widow still -- would his widow receive a smaller death benefit than if he died under Title 10 status?

WYATT:

Congressman, there still are differences in the benefits that are available under the varying different statuses, you know, active duty in support of operations, state active duty, Title 32 and Title 10. We're making some progress in equalizing those or making those more equitable.

I think you'll find guardsmen understand the difference that they're not full-time active duty members serving in Title 10 status. And certainly, there will be some differences between the benefits that are available under the different statuses. But I think what they're looking for is an equitable treatment.

TAYLOR:

Right.

WYATT:

The particular issue that you point out is one of those areas where there needs to be equity because when a person gives their life, regardless of the status, we as a country, in my opinion, need to take care of the survivors of that airman, soldier, sailor or Marine.

TAYLOR:

If you feel free to do so, I'm requesting you to put that statement in writing. I'd like to have it. And I think it's one of the things we ought to try to address this year in the defense authorization bill.

All right. Mr. Chairman, with your permission, I'm going to yield the remainder of my time to Ms. Giffords.

ORTIZ:

Ms. Giffords is recognized.

GIFFORDS:

Thank you, Mr. Chairman.

And thank you, Congressman Taylor.

General Wyatt, given the department's strategy in term of closing the F-22 production line and reports of the test and evaluation directorate, specifically for the delays in the joint strike fighter program, can you please discuss in the limited time we have left the bridging strategy to continue to use the fourth-generation aircraft until fifth-generation solutions are available to the Guard?

WYATT:

I'd be happy to give it a shot, Congresswoman.

The question is sometimes asked, you know, what platform is -- would be good for this mission. And I have recognized that we are in a physically constrained situation.

I'm interested in capabilities. I'm interested in being able to do the mission. The Air National Guard is going to do this mission with whatever platform Congress decides it the appropriate platform because, after all, the Constitution provides that Congress raises and armies and air forces. And I appreciate that fact.

I also appreciate the fact that sometimes what we would ideally like to have may not be affordable. I caution against having a separate platform for ASA from the United States Air Force for the reasons that I previously discussed in that these units also perform AEF rotations, and they need to -- whatever platform is finally decided or whatever options are finally decided upon by Congress, I would hope it takes into consideration that these units also perform AEF rotations and need to be able to fuse with and use the same capability as any other unit in the United States Air Force or the Department of Defense.

As far as options, you mentioned some of those. You know, we're looking at fifth-generation fighters. I think the decision needs to be made where does air defense and defense of the country range on the scale of priorities of the missions that the Air Force

will be required to perform. And I have our decision on that should be driven by the importance of the mission.

In the physically constrained situation that we're in, if that is not possible, certainly, there are fourth-generation, 4.5-generation options out there. There is also service life extension options out there.

Each one has their advantages over the other. Each one has disadvantages. And I prefer not to -- you know, there are a lot of different scenarios that we can get into what if this happens or what if this happens.

But my concern is that the capability is available for the country for the long term and that it not end in FY '15, '16, or '17. So I think whatever options that Congress decides is the right thing to do -- and I have great confidence that Congress, in its wisdom, will decide what is the right thing to do -- that capability should be applied toward this mission set whether it's the Air National Guard, the United States Air Force, Navy, or Marine Corps doing the mission.

It needs to be a capability that the country expects and a number one mission for our military services.

GIFFORDS:

General Wyatt, do you think upgraded models of fourth- generation aircraft like the block 50 F-16 have a sufficient capability to conduct the ASA now and also for the years ahead?

WYATT:

I think what you have to look at is the rising threats that we see out there with the maritime threat, with cruise missiles, with the UAVs, whether they're sea-based launched or launched within our borders or without our borders, with some of the capabilities of weapons of mass destruction that can approach the United States from any sector.

This mission -- this is defense is a lot different than an offensive mission overseas because if we have the option overseas, we decide the time and the place and the method and the weapons systems of choice. We don't have that luxury in defense of the United States. We have to be -- we have to be ready 24 hours a day, 365. We have to defend from all axis of attack. We have to use your imagination, if you will, to think of platforms that -- or capabilities that may be used to attack the United States.

So as we try to answer that question, does fourth-generation, 4.5-generation, have the capabilities to provide the defense we need, we must, first of all, look and try to analyze what sort of threat we're talking about.

The use of radar -- I mentioned that in my opening statement -- is extremely important because it is a lethant (ph) technology that allows us to meet some of those challenges that I just talked about. Again, if you consider -- and I know cost is going to be a consideration -- but if we are in a situation where Congress decides that we simply can't afford fifth-generation airplanes, then we need to take a look at the capabilities necessary to meet those threats that I just talked about. Whether that would be fourth-generation, third-generation

fighters, whatever is the best answer looking at the whole problem, not just ASA but our other continuing missions, whatever answer Congress gives us will be what we use to defend the country in this number one mission.

GIFFORDS:

Thank you.

ORTIZ:

My friend, Mr. Forbes?

FORBES:

Thank you, Mr. Chairman.

And I'll be brief. I was excited when I heard General Darnell's comment about the mission statement and including that for the Guard.

Then, Mr. Verga, I heard your comments. And I just want to clarify the two. I understand about not being fenced in, but I hope your statements were not to be interpreted to mean that you disagreed with General Darnell's position that the mission statement would be written to include that for the Guard. Because I don't know how else we'd get the training, inspection, and capitalization.

I just wanted to clarify that, if I could.

VERGA:

Oh, absolutely not. We fully support the Air Force's efforts in doing that. Their mission of organize, training, and equipping forces to provide to the combatant commander to carry out the missions that are assigned from the president through the secretary to that commander is extremely important.

My only point was that we need to not lose sight of the fact that it is a mission for the total force of the Department of Defense of the United States, not any particular subcomponent of it. And I just wanted to make sure that we don't lose sight of that.

FORBES:

And the last thing that I'll say is really more of a comment than a question. From the outset of this year, we've been asking this question to try to get into the mindset of the DOD as to how you're setting your priorities so that we can know.

General Wyatt said something incredibly important when he said that they would use whatever platforms Congress deemed to be appropriate in their wisdom in making those decisions. I have an enormous fear right now that we've had a sea change.

And the big concern that I have, as General Darnell has mentioned that you wanted to get on the backside basically of the QDR when you're doing this planning. I fear that we have shifted now. Instead of having a strategy that's driving our budget, I think we are looking at a budget driving our strategy. And one of the things that I am very frightened when I see these gap orders coming out to the Department of Defense for this code of silence where the people that are making this information and have the information, General Wyatt, that we need to make those decisions you're talking about and they can't even talk to us.

That they are barred from doing that, I think that is an unconscionable action to take. Plus, I think, it's a dangerous action. It's one that I hope we'll all stand up and say we can't afford to not get this information.

And just one other thing, Mr. Chairman, the Sea Power Subcommittee knows far more about this than I do, but when we begin to do things like moving the (inaudible) serve inspections and classifying those, the danger with that is that that information you can -- we can get that communicated to us, but we can't communicate it to the general public or to the press or anybody else.

And I think that's a dangerous avenue for us to go down because, General, I think it keeps us from making the wisest decisions and getting those appropriate platforms.

Mr. Chairman, with that, I yield back.

ORTIZ:

Mr. Coffman?

COFFMAN:

Thank you, Mr. Chairman.

Just real quick, General Wyatt, prior to 2003 when we were flying combat air patrol in the Guard, many Guard units were flying combat air patrol in Iraq in the no-fly zones. Obviously, it took a lot of resources. Relative to flying the ASA mission, I'm assuming relative to flying the ASA mission, I assume we have more units deployed in Iraq than doing the ASA or -- I wonder if you can comment on that.

And then comment on our capability. It seems that, in Iraq and Afghanistan right now, our fixed-wing missions are not as robust as they normally would be in a conventional versus a counterinsurgency conflict. I'm just wondering if we got engaged in a conventional conflict, does the Guard have the capability of performing both missions, ASA and a conventional mission with the Air Force?

WYATT:

Thank you for the question, Congressman.

The answer to your question is that our units do the ASA mission, not as part of their dock statement but as part of a mission assignment, and we've addressed actions that we, as

an Air Force and the Department of Defense will take to correct that.

But these units that pull ASA do do the AEF rotations. We are always striving to modernize the Air National Guard equipment that we have because, as you know, sometimes the Air National Guard does have the -- what I would call the front-line capability -- that the active duty Air Force has. We try, through our modernization programs and working with the Air Force, to provide the capability that allows our systems to fuse with and become a relevant partner with the active duty force in these overseas rotations.

The best example I can give you would be out of my personal experience as a wing commander and as a young pilot. When my leaders decided that it was important for the Air National Guard, we were in a seventh (ph) at the time converting to F-16s. And the Air National Guard had no precision-guided targeting capability at that point in time.

The Air Force recognized that as a requirement, but because of their budget limitations could not fund targeting pod acquisition for the Air National Guard. So thanks to Congress' insight in the need, relevant need for that capability through the National Guard and Reserve equipment account, we were able to acquire targeting pods and have continued to do so through today's date that allows our systems and our capabilities to more fully mesh with and be a part of the total force as we engage in combat.

We continue to do that today. And, you know, I would hope that one of these days, you know, we'll get to that point where, you know, a capability may be funded across all three of the components proportionally and concurrently. That's what I'm pressing for.

WYATT:

But in the interim period of time, we will continue our efforts, and it's not just the fighter fleet. It's the large aircraft fleet with the LAIRCOM, the large aircraft infrared and countermeasure systems, that -- we are using ANGRIA (ph) funds to help those self-protective systems and those airplanes so that they are more relevant in the war fight overseas, and we will continue those efforts with the help and -- and the support of Congress.

Thank you, sir.

ORTIZ:

Thank you so much.

I think that we had a very, very good hearing today, and -- you know, sometimes Congress makes up committees, and they play a very important role, and sometimes -- in this case, we do have a check-and- balance system, and -- because we're all seeing it from the same page. If there's weaknesses on one side, maybe the other side can -- can correct it.

But I want to thank all of you for being with us today, and we do have a good check-and-balance system. And thank you for being candid with us. Remember, we're all singing from the same page, and if it's a budget problem, if it's an equipment problem, whatever you need, let us know. We are here to work with you, but, you know, we have huge

responsibilities.

We see the big, big picture, being ready to defend this country. At the time, we see that air fighter has been grounded. Whether Navy, Air Force, or whatever, they're grounded. We want to be sure that we have the right equipment, the right personnel to defend this country.

One of our key members of this committee, Chairman Reyes, who is chairman of the Intelligence Committee, couldn't be here with us today. He had death in the family, and -- his mother-in-law passed away, and this committee offers our condolences to Chairman Reyes.

Being no -- no -- no further business, this committee stands adjourned.

CQ Transcriptions, April 22, 2009

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REP. JOHN M. MCHUGH, R-N.Y. EX OFFICIO

WITNESSES:

DAVI D'AGOSTINO, DIRECTOR, HOMELAND DEFENSE AND EMERGING
THREATS AND WARFARE, DEFENSE CAPABILITIES AND MANAGEMENT
TEAM, GOVERNMENT ACCOUNTABILITY OFFICE

PETER VERGA, PRINCIPAL DEPUTY UNDERSECRETARY FOR POLICY
INTEGRATION AND CHIEF OF STAFF, DEFENSE DEPARTMENT

LIEUTENANT GENERAL DANIEL DARNELL (USAF), DEPUTY AIR FORCE
CHIEF OF STAFF FOR AIR, SPACE AND INFORMATION OPERATIONS, PLANS
AND REQUIREMENTS

LIEUTENANT GENERAL HARRY WYATT (USAF), DIRECTOR, AIR NATIONAL
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